

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE:

The availability of certain record
from Sierra County Superior Court
Cause No. 6705,

NO: CV-10-472-RMP

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

This matter comes before the Court on Respondent Aaron Doyle's Motion for Reconsideration, ECF No. 38, of the Court's order, ECF No. 36, granting Petitioner City of Quincy's motion for attorney fees and costs. The Court has reviewed Respondent Aaron Doyle's supporting memorandum, ECF No 39, and declaration, ECF No. 40, and Petitioner City of Quincy's response, ECF No. 42, and is fully informed.

Motions for reconsideration are disfavored and are only appropriate "if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening

1 change in controlling law.” *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263
2 (9th Cir. 1993).

3 In moving for the Court to reconsider its order of May 31, 2011, ECF No.
4 36, which granted the City of Quincy’s motion for attorney fees and costs, Mr.
5 Doyle’s only argument is that he “never received the Court’s order denying [his]
6 motion to strike and resetting the hearing to April 27, 2011. If I had received the
7 Court’s ruling, I would have timely filed a responsive pleading and asked for oral
8 argument of the City’s motion.” ECF No. 40 at 2. Mr. Doyle further emphasizes
9 that he cannot receive documents distributed electronically through the Electronic
10 Case Filing (“ECF”) system. ECF No. 40 at 2.

11 Mr. Doyle does not make a showing of any of the three bases for
12 reconsideration. *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d at 1263. Moreover, both
13 the order granting attorney’s fees, ECF No. 36, and the judgment in favor of the
14 City of Quincy, ECF No. 37, were mailed to Mr. Doyle at his address on South
15 Pioneer Way in Moses Lake, Washington.

16 Accordingly, **IT IS HEREBY ORDERED:**

17 1. Defendant’s Motion for Reconsideration of Court’s May 31, 2011, Order
18 re Attorney Fees, **ECF No. 38**, is **DENIED**.

19 2. Judgment in favor of City of Quincy, ECF No. 37, **REMAINS AS**
20 **ORDERED**.

1 The District Court Executive is hereby directed to enter this Order and
2 provide copies to counsel. The District Court Executive is further directed to mail
3 a copy of this order to Mr. Doyle's last known address of 601 South Pioneer Way,
4 Suite F384, Moses Lake, WA 98837, return receipt requested.

5 **DATED** this 19th day of August, 2011.

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7 *s/ Rosanna Malouf Peterson*
8 ROSANNA MALOUF PETERSON
9 Chief United States District Court Judge
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